

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARTIN KELLY JONES

Application No. 09/516,288

MAILED

AUG 17 2004

PATENT & TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 28, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On February 24, 2003, an Information Disclosure Statement was filed (Paper No. 11). On August 25, 2003, a Second Information Disclosure Statement was filed (Paper No. 17), and on November 21, 2003, a Supplemental Information Disclosure Statement was filed (Paper No. 21). The Information Disclosure Statements need to be considered by the primary examiner with respect to compliance with

the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellant of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the Information Disclosure Statements and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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